

Carlisle Conservation Commission
September 9, 2010

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Commissioners Luke Ascolillo, Tom Brownrigg, Chair Elect Peter Burn, Jen Bush, and Tricia Smith (8:00 p.m.) and Conservation Administrator Sylvia Willard.

Bills, General Agenda Items, Minutes and New Business:

The Commission extended a warm welcome to its newest member, Luke Ascolillo.

Meeting Schedule Change: In order to accommodate scheduling conflicts, the Commission's second September meeting has been rescheduled to September 30.

Certificates of Compliance:

(DEP 125-0822) Applicant: Town of Carlisle; Project: Pathways; Concord, East, Lowell St. & Bedford Rd.; Issued: 12/7/2007: After having received confirmation that the remaining outstanding issues have been addressed satisfactorily, *Ascolillo moved to issue a Certificate of Compliance for DEP #125-0822, Brownrigg seconded and all voted in favor with the exception of Bush, who abstained as an abutter to the project location.*

(DEP 125-0885) Applicant: Geoffrey Freeman; Location: 185 Concord Street; Project: Installation of a private water supply well. Issued: 5/6/2010: Based on Willard's recommendations that the project has been completed satisfactorily in compliance with the Plan of Record, *Bush moved to issue a Certificate of Compliance for DEP 125-0885, Brownrigg seconded and all voted in favor.*

Emergency Certificates:

John Williams, 104 Hart Farm Road: The Commission approved the property owner's request for permission to remove a large tree that is located within close proximity to the house and within the 100-foot Buffer Zone of a BVW at their August 19, 2010 meeting, citing safety concerns. The Emergency Certificate was circulated for signatures.

Ann Wright, 28 Concord Street: An Emergency Certificate had been issued on September 1, 2010, for the preliminary work to begin in conjunction with the installation of a water supply well. The water from the existing hand dug well was determined to be not potable. A condition of the EC required the new property owner to file the Request for Determination to undertake the project, which has been submitted and will be reviewed later on the agenda. The preliminary work is being allowed under the EC in order to circumvent the ten-day appeal period associated with an RDA. The EC was initially approved based on information disseminated via email and had not yet been formally voted upon. *Brownrigg moved to approve the Emergency Certificate for 28 Concord Street, Burn seconded and all voted in favor with the exception of Bush, who is an abutter to the project location.*

Carlisle Public Schools Site Plan Review: Willard circulated a memorandum she had drafted based on comments received at the Commission's previous meeting in response to the Planning Board's request for comments on CPS Site Plan Review material. The memo will address several issues including the need for further site evaluation in order to determine whether a portion of the work would occur within the 100-foot Buffer Zone of a BVW. The memo also includes site management recommendations relative to preventing siltation runoff into the down gradient wetlands on Church Street and provided direction relative to the submission of a Stormwater Pollution Prevention Plan to the EPA, which is required for projects that will disturb more than an acre of land.

Right of First Refusal - 393 South Street: The Commission discussed the Town of Carlisle's Right of First Refusal for a 13.649 acre portion of land Map 7 parcel 8A, which is currently under MGL Chapter 61B as recreation land. With the property owner's permission, a site visit was scheduled for September 26, 2010 in order for the Commission to provide the BOS with their recommendations. Willard noted that the Notice of Sale as submitted to the BOS by the property owners has been found to be deficient under the statute, therefore delaying the town's 120-day period review period.

Forest Cutting Plan Review – 123 West Street: On behalf of property owner John Reichenbach, Mass Licensed Forester Craig Birch had submitted a Forest Cutting Plan and NOI to the state as required under M.G.L. Chapter 132. The Commission was provided with a copy of the filing as is standard procedure should there be any concerns or comments from the town. Brownrigg offered to check with NHESP relative to the status of a potential vernal pool that exists within close proximity to the proposed work area. Otherwise the Plan was found to be acceptable as submitted.

8:15 p.m.(DOA-276) Determination of Applicability

Applicant: David Newman

Project Location: 625 Rutland Street

Project Description: Installation of geothermal closed loop borings on the northeast side of the single family home and within 100' of a BVW

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Amanda Schneck of the alternative energy firm Nexamp presented the Plan for the installation of a closed-loop geothermal system. Her presentation included construction details and measures for preventing the possibility of groundwater contamination. The Board of Health had postponed their decision relative to the request subject to the receipt of further information not subject to the Commission's jurisdiction. *Smith moved to issue a Negative Determination B2 for DOA-276 since the work described in the request is within an area subject to the WPA, but will not remove, fill, dredge or alter that area, Bush seconded and all voted in favor.*

8:30 p.m. (DOA-277) Determination of Applicability

Applicant: Ann Wright

Project Location: 28 Concord Street

Project Description: Installation of a new water supply well within the 100' Buffer Zone of a BVW

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Emily Williams, who had recently purchased the property, was present to discuss the RDA for the installation of a new water supply well. The water from the existing hand dug well had been tested and deemed not potable. Earlier during the meeting the Commission approved an Emergency Certificate to allow preliminary work to begin prior to the expiration of the 10-day appeal period associated with the RDA. Since the details of the Plan met with the Commission's approval with the exception of the need for some additional erosion control measures, *Burn moved to issue a Negative Determination B3 for DOA-277, with the special Condition that additional haybale siltation barrier be installed as directed. Ascolillo seconded and all voted in favor with the exception of Bush, who abstained as an abutter.*

8:35 p.m.(DEP 125-0889) Notice of Intent

Applicant: Town of Carlisle Trails Committee

Project Location: Off South Street, Benfield Lot 4

Project Description: Construction of a boardwalk and wildlife-viewing platform with work within the BVW, the 200' Riverfront Area and within Land Subject to Flooding

Project coordinator Steve Hinton of CCF was present to present the Plan on behalf of the Trails Committee. The proposed boardwalk is set near Spencer Brook, in a wetland area with rare wildlife and a perennial stream so as to allow viewing of a preserved and natural wetland habitat. The 6 foot wide by 85 foot long boardwalk

will end in a 10 by 19 foot viewing platform situated five feet from the bank of Spencer Brook. Construction would be undertaken in two phases with the first phase including the setting of the support helical piers. Phase two, to be conducted during winter months so as to minimize disturbance, would include the construction of the boardwalk and platform.

Present for the hearing was South Street resident, Alan Carpenito, who expressed concern about what type of hydraulic oil would be used in the heavy equipment during the construction process. The Commission concurred with Carpenito in that the equipment should be inspected for possible leaks and must meet current environmental protection standards. The hearing was continued to September 30, 2010 at 8:15 p.m., subject to pending a NHESP review.

9:10 p.m. (DEP 125-0838) Gregory Bruell, 779 West Street: Contractor Jon Storer was present to request plan changes relative to the relocation of an existing stone wall and removal of four large maple trees in order to provide crane access. The request is being put forth in order to provide sufficient clearance for hauling in large boulders as part of a large scale Japanese Garden project. Willard noted that the property owner has been cited with numerous violations to the Order of Conditions, including unauthorized tree removal, significant wetland alterations and excavation for a pond in a manner not in compliance with the Order of Conditions. The Commission expressed their disappointment with the lack of progress on the restoration work previously required under an Enforcement Order, and was not in favor of allowing plan changes without a firm schedule for the restoration work. *Brownrigg moved to allow the relocation of the stone wall to the minimum extent in order to allow crane access and to deny permission for additional tree removal, Burn seconded and all voted in favor. Storer was instructed to provide adequate protection to the trees within the vicinity of the crane work when relocating the stone wall so as to avoid damage.* He was also given several specific directives relative to the pending restoration work including planting of large specimen native trees in some of the previously disturbed areas. A preliminary timeline for completing the restoration was also discussed.

Curve Street Dam Report: Willard updated the Commission on the process of moving forward with the Town's request to have the Curve Street Dam reclassified as agricultural by the Office of Dam Safety. This is in response to receipt of a directive from the ODS to provide them with Phase 1 Inspection/Evaluation Report as part of a state wide safety initiative. The inspection resulted in the recommendation by the engineer hired by the town that the dam should be reclassified as agricultural and therefore would not be within the jurisdiction of the ODS. The next step will be to have the engineer communicate the town's desire to have the dam reclassified once the BOS determines an appropriate source for funding the additional consulting fees.

Procedure for Berry Corner Lane filing:

A Notice of Intent had recently been submitted by David Valchuis one of the owners of Berry Corner Lane. The proposed project involves upgrading the existing common driveway to meet Planning Board requirements in conjunction with providing access to the single-family lot owned by the applicant. The Plan also includes provisions for ongoing maintenance to the common driveway and the emergency turnaround. Because the NOI had been submitted in response to an Enforcement Order that was issued on May 12, 2006 for unauthorized work, the applicant is required to remit an additional \$275 in accordance with the Carlisle Wetlands Protection Bylaw. The Commission will officially accept the filing upon receipt of the additional funds. The applicant will also be required to provide clarification relative to signature requirements for all joint property owners before an Order of Conditions is issued.

9:47 p.m. Smith moved to adjourn, Burn seconded and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENT REGISTER*

1. Letter from BOS to Thomas Wray Falwell, Esq re: First Right of Refusal – 393 South Street – dated 9-8-10
2. Forest Cutting Plan –DCR File No. 051-4813-11, Received 8-23-10
3. All WPA forms and Plans relative to above noted public hearings

*on file in the office of the Conservation Commission